

REMARKS

The above amendments and following remarks are responsive to the points raised in the June 22, 2005 non-final Office Action. Upon entry of the above amendments, Claims 1, 9, and 11 will have been amended, and Claims 1-14 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Rejection Under 35 § U.S.C. 102(b)

Claims 1-5, 11, 12, and 14 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over US Patent 6,559,465 to Yamada et al. (Yamada). Claims 1-5 and 7-14 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over US Patent 6,813,000 to Nishi. Applicant traverses these rejections.

Independent Claims 1, 9, and 11, which are directed to an exposure method (Claims 1 and 9) and an exposure apparatus (Claim 11), have been amended recite that the position of the image plane is measured by detecting a light through the projection optical system. Applicant respectfully submits that neither Yamada nor Nishi teach or suggest an exposure method and apparatus as recited in Claims 1, 9, and 11.

In contrast, the apparatus and method disclosed by Yamada, as shown in Figure 4 and discussed in Columns 7-9, utilizes a detection optical system, depicted as elements 10-19, for detecting the surface position and tilt of the wafer 4. The detection optical system of Yamada is not for detecting a light through the projection optical system. As such, independent Claims 1, 9, and 11, as well as their respective dependent Claims 4-5, 12, and 14, are distinguished over the applied reference of Yamada.

The examiner refers to Nishi, at Column 9, Lines 1-14, as teaching a correcting device for correcting a tilt of the image plane of the projection optical system based on measurements obtained by the measuring. No where, however, it is seen where Nishi teaches or suggests the AF sensor, disclosed therein, as detecting light through the projection optical system as recited in Claims 1, 9, and 11. As such, independent Claims 1, 9, and 11, as well as their respective dependent Claims 4-5, 7, 8, 10, 12, and 13, are distinguished over the applied reference of Nishi.

Accordingly, the rejections under 35 U.S.C. § 102(e) should be withdrawn.

Response to the Rejection under 35 U.S.C. § 103(a)

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishi in view of US Patent 6,549,271 to Yasuda (Yasuda). Applicant traverses this rejection.

For at least the reasons discussed above, dependent Claim 6 is distinguished over Nishi for at least the same reasons as independent Claim 1. Applicant, nonetheless, respectfully submits that the applied secondary reference of Yasuda does not include any teaching, suggestion, or motivation that would teach, suggest, or motivate one of ordinary skill in the art, at the time the invention was made, to modify Nishi and arrive at the exposure method and exposure apparatus as claimed by Applicant. No where is it seen where Yasuda teaches or suggests a detection optical system for detecting light through the projection optical system. As such, the subject matter recited in dependent Claim 6 is distinguished over Nishi and Yasuda, either alone or in combination.

Accordingly, the rejection under 35 U.S.C. 103(a) should be withdrawn.

Response to the Objection of the Drawings

The drawings have been objected to on the basis that “Figure 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.” The Examiner has required that Figure 13 be corrected in response to the June 22, 2005 non-final Office Action.

Applicant has amended Figure 13, i.e., drawing sheet 11/11 to include the legend “PRIOR ART”. As referred to above, the attached drawing sheet 11/11 replaces original Figure 13.

Accordingly, the objection to the drawings is now moot and should be withdrawn.


CONCLUSION

Applicants respectfully submit that Claims 1-14 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS:

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5324.

Date: October 26, 2005

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.
By: 
Brian W. Brown
Reg. No.: 47,265
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

Morgan & Finnegan
Three World Financial Center
New York, NY 10281-2101
(212) 758-4800 Telephone
(212) 751-6849 Facsimile

AMENDMENTS TO THE DRAWINGS:

The attached drawing sheet 11/11 include changes to Figure 13. This sheet replaces original Figure 13, original drawing sheets 11/11.

Attachment: Replacement Sheet 11/11.